

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Darla Padgett, et al.,

NO. C 04-03946 JW

Plaintiffs,

v.

**ORDER OVERRULING DEFENDANTS'  
OBJECTION AND ADOPTING  
DISCOVERY ORDERS TWENTY-  
THREE AND TWENTY-FOUR**

Brian Loventhal, et al.,

Defendants.

The parties are currently working through the Special Master to disclose to Plaintiffs certain documents found on Defendants' hard drives. The Special Master has been given authority to establish a procedure for identification and disclosure of privileged documents for the Court's review. (See Docket Item No. 306.)

The Special Master recently issued Discovery Orders Twenty-Three and Twenty-Four. Both orders involve the Bates numbering of Defendants' electronic documents.<sup>1</sup> The Special Master ordered Plaintiffs' expert to add Bates numbers to those document. Defendants were ordered to pay the cost of this procedure. (See Docket Item Nos. 485, 488.)

<sup>1</sup> (Recommended Discovery Order No. 23, hereafter, "RDO23," Docket Item No. 485; Recommended Discovery Order No. 24, hereafter, "RDO24," Docket Item No. 488.)

1 Before the Court is Defendants' Objection to Discovery Orders Twenty-Three and Twenty-  
2 Four.<sup>2</sup> Defendants contend that they have already Bates numbered the documents and that  
3 renumbering is unnecessary. (Objection at 1.) The Special Master considered Defendants'  
4 contention, but concluded that Bates stamping by Plaintiffs' expert "will be the surest method to  
5 avoid any confusion in the identification of documentary evidence and, in addition, should facilitate  
6 presentation of documentary evidence at time of trial using the court's systems." (RDO24 at 2.)  
7 Since the issue of Bates numbering is properly within the Special Master's discretion and nothing in  
8 Defendants' objection suggests an abuse of that discretion, the Court adopts Discovery Orders  
9 Twenty-Three and Twenty-Four.

10 Accordingly, the Court OVERRULES Defendants' objection.

11  
12 Dated: March 3, 2008

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26 \_\_\_\_\_  
27 <sup>2</sup> (Defendants' Objections and Request or District Court to Reconsider Special Master's  
28 Discovery Order Nos. 23 and 24, hereafter, "Objection," Docket Item No. 490.)

**THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

Darla Kaye Padgett Actiontkr@aol.com  
Joseph C. Howard jhoward@hrmlaw.com  
Thomas H R Denver tdenver@mediationmasters.com  
Todd Holton Master tmaster@hrmlaw.com

**Dated: March 3, 2008**

**Richard W. Wieking, Clerk**

**By: /s/ JW Chambers**

**Elizabeth Garcia  
Courtroom Deputy**